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PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
In re application of: Philippe Cinquin, et al	Examiner: Tamala D. Holland
Serial No.: 10/031,053	Group Art Unit: TBA
Filed: 01/15/02	Docket No.: Cinquin-3
For: REMOTELY CONTROLLABLE SYSTEM FOR POSITIONING AN OBSERVATION/INTERVENTION DEVICE ON A PATIENT	Date: December 13, 2002

Commissioner for Patents
Washington, DC 20231

Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION

Applicant hereby petitions under 37 CFR 1.181 MPEP 711.03(c) for withdrawal of the holding of abandonment of the above-identified application based on the failure to receive a notification of MISSING REQUIREMENTS mailed on March 27, 2002.

STATEMENT

The above-captioned application was filed by Arthur Plevy, DUANE MORRIS, LLP 100 College Road West, Suite 100, Princeton, New Jersey 08540 (applicant's attorney) on March 22, 2001. A copy of the original transmittal papers regarding the filing of the above application under 35 USC 371, which shows the correct address of applicant's attorney, is transmitted herewith.

On November 21, 2002, applicant's attorney received a Notification Of Abandonment (mailed on November 15, 2002) in the above application for failure to respond to the notification

of MISSING REQUIREMENTS, mailed on March 27, 2002. A copy of this paper is transmitted herewith.

A search of the file jacket of the application and docket records indicates that the notification of MISSING REQUIREMENTS has not been received in this application. A copy of the docket record where the nonreceived notification would have been entered had it been received and docketed is transmitted herewith.

The Notification Of Abandonment lists applicant's attorney's address as "100 College Road, Suite 100" which is not, and has never been the correct address. The correct address of applicant's attorney is "100 College Road West, Suite 100." College Road and College Road West are two different streets.

It is presumed that the notification of MISSING REQUIREMENTS was also mailed to 100 College Road, Suite 100 based on the address used in the Notification Of Abandonment mailed on November 15, 2002.

Mail addressed to "100 College Road, Suite 100" occasionally makes its way to 100 College Road, West, Suite 100, as was the case with the Notification of Abandonment mailed on November 15, 2002. However, other PTO communications, such as filing receipts and Office Actions mailed to the same incorrect address in other applications, have not been received. In some of these cases, the applicant's attorney has discovered this error when the examiner in charge telephoned the applicant's attorney to determine the reason for no response.

It should be further noted that no filing receipt has been received by applicant's attorney in this application.

This petition is believed to be timely under 37 CFR 1.181 (f), as it was filed within two months of the receipt of the Notification Of Abandonment in the above application.

No fee is believed to be due as a result of this communication. The Commissioner is hereby authorized to charge any other fees which may be required or credit any overpayment to Deposit Account No. 50-2061.

Respectfully submitted,

By: _____

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